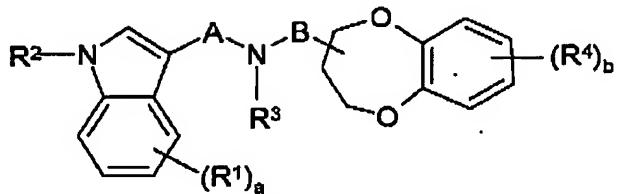


This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) **Benzodioxepines of the A benzodioxepine compound of formula I**



in which

R¹ are, each independently of one another, is selected from alkyl, (CH₂)_mOD, (CH₂)_mCN, (CH₂)_mCOR⁵ or (CH₂)_mCH₂R⁵, (CH₂)_mCH₂R⁵, where m=

m is 0 or 1,

R², R³ are, each independently of one another, is selected from H, or alkyl having 1 to 5 C atoms,

R⁴ are, each independently of one another, is selected from alkyl having 1 to 5 C atoms, heteroalkyl having 1 to 5 C atoms, alkoxy having 1 to 5 C atoms, alkoxyalkyl having 2 to 5 C atoms, Hal, CN, COR⁵ or OH, stands for OD, NH₂, NHD or ND₂,

A stands for C_nH_{2n}, where n=

n is 2, 3, or 4,

B stands for C_pH_{2p}, where p=

p is 0, 1, 2, 3 or 4,

D are, each independently of one another, is selected from H, alkyl having 1 to 5 C atoms, alkoxyalkyl having 2 to 5 C atoms, aryl or aralkyl

a, b stand for 0, 1 or 2, and

Hal stands for F, Cl, Br or I,
or a pharmaceutically acceptable salt or solvate thereof and physiologically tolerated salts and solvates thereof.

2. (Currently Amended) Benzodioxepines of the formula I A compound
according to Claim 1, wherein characterised in that the radicals R² and R³ stand for H.

3. (Currently Amended) Benzodioxepines of the formula I A compound
according to Claim 1, wherein characterised in that the radicals R² and R³ stand for H and at least one radical R¹ stands for (CH₂)_mCN.

4. (Currently Amended) Benzodioxepines of the formula I A compound
according to Claim 1, wherein characterised in that a (CH₂)_mCN is in the 5-position of the indole ring and a preferably stands for 1 and m preferably stands for 0.

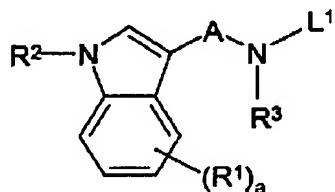
5. (Currently Amended) Benzodioxepines of the formula I A compound
according to Claim 1, wherein characterised in that A stands for C_nH_{2n} where n = 4 and B stands for C_pH_{2p} where p = 1 or 0.

6. (Currently Amended) Benzodioxepines of the formula I A compound
according to Claim 1, wherein characterised in that R¹ stands for (CH₂)_mCN in the 5-position of the indole ring and a stands for 1 and m stands for 0, R² and R³ stand for H, A stands for C_nH_{2n} where n = 4 and B stands for C_pH_{2p} where p = 1 or 0.

7. (Currently Amended) Benzodioxepines of the formula I A compound
according to Claim 1, which is selected from the group consisting of
N-(3,4-dihydro-2H-1,5-benzodioxepin-3-yl)-4-(5-cyano-3-indolyl)butylamine,
3-{4-[7-methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino]butyl}indole-5-carbonitrile,
3-{4-(6-methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino)butyl}indole-5-carbonitrile,
3-[4-(6-methoxy-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino)butyl]indole-5-carbonitrile,
or and
3-[4-(3,4-dihydro-2H-1,5-benzodioxepin-3-yl)methylamino]butyl]indole-5-carbonitrile.

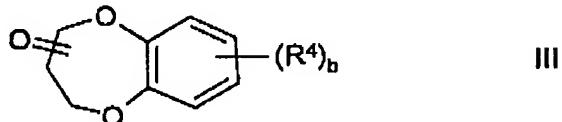
8. (Currently Amended) Process for the preparation of benzodioxepines of the formula I. A process for preparing a compound according to Claim 1, comprising characterised in that

a) reacting a compound of the formula II



in which L¹ denotes H or a metal ion and R¹, R², R³, A and a have the meanings indicated in Claim 1,

b) is reacted with a compound of the formula III



where, in the formula III, in which R⁴ and b have the meanings indicated above and below for the in Claim 1,
and optionally

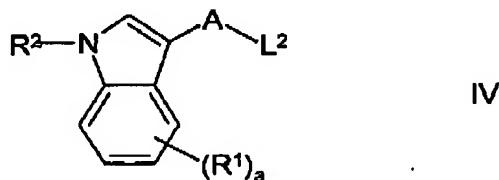
c) a reduction step is optionally carried out optionally reducing the resultant compound,
and

d) optionally converting the resultant compound of the formula I is optionally converted into one of its salts by treatment with an acid.

9. (Currently Amended) Process for the preparation of benzodioxepines

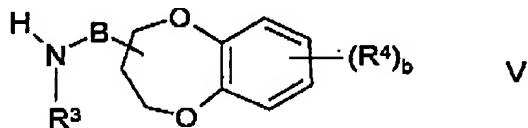
of the formula I A process for preparing a compound according to Claim 1 or a pharmaceutically acceptable salt or solvate thereof, comprising and physiologically tolerated salts and solvates thereof, characterised in that

a) reacting a compound of the formula IV



in which L² denotes Cl, Br, I, OH, a reactively esterified OH group or a diazonium group and R¹, R², A and a have the meanings indicated in Claim 1,

b) is reacted with a compound of the formula V



in which R³, R⁴, B and b have the meanings indicated in Claim 1,
and optionally

c) converting the resultant compound of the formula I is converted into one of its salts by treatment with an acid.

10-11. (Cancelled)

12. (Currently Amended) Process for the preparation of A process for preparing a pharmaceutical composition, comprising bringing into a dosage form characterised in that at least one compound of the formula I according to Claim 1 or a pharmaceutically acceptable salt or solvate thereof and/or one of its physiologically tolerated salts or solvates is

brought into a suitable dosage form together with at least one pharmaceutically acceptable solid, liquid or semi-solid excipient or adjuvant.

13. (Currently Amended) Pharmaceutical A pharmaceutical composition, comprising a characterised in that it comprises an effective content of at least one compound of the formula I according to Claim 1 or a pharmaceutically acceptable salt or solvate thereof, and a pharmaceutically acceptable excipient or adjuvant and/or one of its physiologically tolerated salts or solvates.

14. (New) A compound according to Claim 4, wherein a stands for 1.

15. (New) A compound according to Claim 4, wherein m stands for 0.

16. (New) A compound according to claim 1, which is said compound or a pharmaceutically acceptable salt of said compound.

17. (New) A compound according to Claim 1, which is
N-(3,4-dihydro-2H-1,5-benzodioxepin-3-yl)-4-(5-cyano-3-indolyl)butylamine,
3-[4-[7-methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino]butyl]indole-5-carbonitrile,
3-[4-(6-methyl-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino)butyl]indole-5-carbonitrile,
3-[4-(6-methoxy-3,4-dihydro-2H-1,5-benzodioxepin-3-ylamino)butyl]indole-5-carbonitrile,
or
3-[4-(3,4-dihydro-2H-1,5-benzodioxepin-3-yl)methylamino]butyl]indole-5-carbonitrile,
or a pharmaceutically acceptable salt thereof.

18. (New) A compound according to Claim 1, wherein R² and R³ stand for H, or a pharmaceutically acceptable salt thereof.

19. (New) A compound according to Claim 1, wherein R² and R³ stand for H and at least one radical R¹ stands for (CH₂)_mCN, or a pharmaceutically acceptable salt thereof.

20. (New) A compound according to Claim 1, wherein a $(CH_2)_mCN$ is in the 5-position of the indole ring, or a pharmaceutically acceptable salt thereof.

21. (New) A compound according to Claim 1, wherein A stands for C_nH_{2n} where n = 4 and B stands for C_pH_{2p} where p = 1 or 0, or a pharmaceutically acceptable salt thereof.

22. (New) A compound according to Claim 1, wherein R^1 stands for $(CH_2)_mCN$ in the 5-position of the indole ring and a stands for 1 and m stands for 0, R^2 and R^3 stand for H, A stands for C_nH_{2n} where n = 4 and B stands for C_pH_{2p} where p = 1 or 0, or a pharmaceutically acceptable salt thereof.